

Serial No.: 10/672,367

Attorney Docket No.: 2003P08217US

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REMARKS

Claims 1-17 and 19-23 are pending.

Claims 1-3, 5, 9-16, and 18-22 were rejected under 35 U.S.C. §102(e) as being anticipated by DeVries, U.S. Patent No. 6,968,179 ("DeVries"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by DeVries.

Paragraph 1 of the Official Action states that DeVries discloses that "the devices' locations can be reported whenever the location [of the mobile device] changes by a significant threshold amount...therefore the Examiner contends such disclosure reads on claims 'when a presence change indicated by the position-related information is detected.'"

Applicants respectfully submit that the Patent Office is incorrectly conflating a "presence change" with a "position change." The two are distinct concepts. For example, a user may take a cell phone from New York to Chicago, thereby changing his position, but since he may still be available on the cell phone and thus his presence status remains unchanged.

In certain embodiments of the present invention the availability or presence may be defined based on location boundary parameters. In some embodiments, the user remote device itself maintains presence and availability rules (which may be transmitted to the remote device) and transmits location changes when a presence would be changed.

In contrast, as discussed in response to the previous Official Action, DeVries does not appear to provide for remote devices maintaining presence rules and transmitting location updates upon determination of a change in presence. In DeVries, all presence determinations are implemented in server application software run on a server computer or group of servers. (Col. 4, lines 47-50). Thus, presence determinations are not made at the local devices. Furthermore, location updates are transmitted only upon polling at periodic intervals or when a threshold location change

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has been detected. However, these have nothing to do with transmitting location changes responsive to a presence change, as generally recited in the claims at issue.

Further, as discussed in response to the previous Official Action, DeVries, provides for facilitating "in-person social interaction with those that the user has established relationships." Thus, DeVries relates to relative presence of parties (i.e., where is A relative to B). However, DeVries does not appear to defining presence and availability rules with respect to location boundary parameters, as recited in certain of the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4, 17, and 23 have been rejected under 35 U.S.C. as being unpatentable over DeVries and "well known prior art." DeVries has been discussed above. Even assuming that the "well-known prior art" may legitimately be considered so, it fails to teach, inter alia, that transmitting location changes responsive to a presence change. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries in view of Yugami, U.S. Patent Application No. 03/0027583 ("Yugami"). DeVries has been discussed above. Yugami is relied on for allegedly teaching using e-mail to transmit position information. Even assuming that were true, however, like DeVries, Yugami fails to teach, inter alia, that transmitting location changes responsive to a presence change. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 7 has been rejected under 35 U.S.C. 103 as being unpatentable over DeVries in view of Greene, U.S. Patent Application No. 02/0077080 ("Greene"). DeVries has been discussed above. Greene is relied on for allegedly teaching using IM to transmit position information. Even assuming that were true, however, like DeVries, Greene fails to teach, inter alia, that transmitting location changes responsive to a presence change. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over

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DeVries in view of Watanabe et al., U.S. Patent Application No. 04/-2-3894 ("Watanabe"). DeVries has been discussed above. Watanabe is relied on for allegedly teaching using SIP to transmit position information. Even assuming that were true, however, like DeVries, Watanabe fails to teach, inter alia, that transmitting location changes responsive to a presence change. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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